

# Censor

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VEXAT CENSURA COLUMBAS.

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THE CENSOR begs leave to express his obligations to FREEMAN, for his elegant and instructive compositions ; which for clearness of reasoning, a thorough knowledge of his subject, and chastity of expression, admit of no parallel among the political Writers of this period—If cool, dispassionate argumentation, without the current trash of personal invective and slander may ever hope to convince and silence ; we may reasonably expect that *Mucius Scævola*, *Candidus*, *Leonidas*, and the other *State-Mountebanks* on that side the question will finally submit to reason, and from a thorough conviction of their ignorance, folly, and misrepresentation, retire from the theatre which they have so disgracefully trod, and heartily repent their past endeavours to deceive and inflame the people : But should such incorrigible *dunces* still persevere ; it is hoped that HE, who *singly* to a host, has vindicated the cause of government against her designing, virulent, and busy enemies, will not fail to improve his leisure, to their utter confusion ; and to the restoration of that peace, submission, and harmony, on which the very being of society so immediately depends.

To the Publisher of the CENSOR.

SIR,

The following *Query* or rather *Queries* having appeared in the *Massachusetts Gazette* of January 16th, and the *Centinel* with our other good friends being employed in matters of too great importance to take notice of this laconic *Catechist*; I have been induced from my sincere regard to the *good old* cause to attempt the following reply, which, if you are impartial you will furnish with a place in the *Censor*; and thereby oblige

A SON OF LIBERTY.

To the POLITICIANS.

QUERE. Hath the *Massachusetts* government been an independent state from the beginning? Or hath it become an independent state at some subsequent period? If the latter—When?

“ A STATE (says Sir William Blackstone) is a collective body, composed of a multitude of individuals, “ united for their common safety and convenience, and intending to act together as one man: In every state or government, there must be a supreme, irresistible, absolute, uncontrouled authority, in which the *Jura summi Imperii* or the rights of Sovereignty reside: That this supreme power have a right to make laws, or prescribe a rule of action which is called the will of the state, to which the respective members are bound to conform themselves: That by this submission of ALL, protection is to be extended to ALL.” I presume I shall not be blamed if I take my idea of a distinct state from these outlines, sketched by an Author, whose reputation is so thoroughly established; I shall therefore proceed to investigate whether the *Massachusetts* government was *ab initio* esteemed by Great Britain, or even looked upon by herself as an *independent state*. Whether emigration from the realm absolves the subject from his allegiance: Or whether the claim of *Great Britain* to *America* from priority of discovery; be just or unjust is not my present business to examine.

I PROPOSE to confine myself principally to historical facts, taking the liberty occasionally to make such observations, as may naturally occur in the course of our enquiry.

THE first Proprietors of the colony it is well known derive their title from a royal grant ; for the property of a large tract of territory, in which the *Massachusetts Bay* was included, was granted by the Crown to a particular Corporation, called the Council of Plymouth in Devon : This Council transferred their right and property in the tract aforesaid to *Henry Roswell and Company* :—The colony at first laboured under great discouragements, the settlers were frequently reduced to extreme distress for want of proper and seasonable support ; at length a considerable proportion of the *Patentees* for the sake of encouraging the settlement removed with their families and effects to New-England ; previous to their departure being dissatisfied with the original patent as not being sufficiently comprehensive, they purchased a *new charter* of the KING OF GREAT BRITAIN in the year 1628 with powers of government in which the original patent was totally defective. \*—From the above concise account of the original settlement of *New-England* it may be worth while to examine, whether the *British government* reserved to themselves any *supremacy* over the *colonies* in the beforementioned patents and charter ; and whether the original *Patentees* and *Emigrants* had any idea of a controuling power resident in Great Britain : To suggest that the King of Great Britain at the first granting the patent, meant to encourage a sovereignty in America, independent of the Crown of England is a stretch of folly and madness possibly reserved for some future *Mucius Scaevola* ; the grant of property in the soil was a necessary compensation for the expences of settlement, and not an absolute release from his jurisdiction ; and it may admit of a doubt whether a Monarch is empowered to absolve such a considerable proportion of his subjects from their allegiance for the sake of constituting a new and distinct empire ; of this I am certain, that he might not rightfully disinherit his successors of so large an extent of territory : If there is any doubt concerning this matter, I would recommend to my reader to consult the old charter.—That the original Proprietors had no idea of a *government independent* of Great Britain we are positively informed by themselves, for when certain complaints were exhibited against the Company which produced a formal demand from the Clerk of the Council, accompanied with an order from the Lords of the Council in 1638 requiring the

\* By this charter a Corporation was constituted to remain in England and to carry on trade with and send out settlers to New England.

the Governor or other person having the letters patent of the colony in custody, to transmit the same to their Lordships threatening in case of refusal or contempt, that his Majesty would *re-assume the government* of the whole plantation into his own hands. \* The Corporation in their answer or rather plea against surrendering their colony charter, implead the *royal licence* for the removal of their families and effects, and urge that they *had greatly enlarged his Majesty's dominions*; intimating further, that should they be precluded the enjoyment of their *charter privileges*, the people would be so greatly discouraged as to desert the colony, which would then fall into the hands of the *French or Dutch*: Here let us remark, *they removed by the royal permission*; can we then with any shadow of reason conclude that any potentate would be so ill-advised as to permit so large an emigration of opulent families to the weakening of the parent-state, unless in expectation of enlarging his empire by the colonies produced from the bowels of his kingdom: The Company expressly declare *they had greatly enlarged his Majesty's dominions*; and as a plea to preserve their tottering *privileges* they intimate *a dereliction of the colony*, which would fall into the hands of the *French or Dutch*: Meaning the colony which, in their hands, would be a source of wealth and power to Great Britain, if abandoned by them would serve to enrich and strengthen her enemies: If here is not a full express acknowledgment of subjection, language is inadequate to the purposes for which it was designed, an additional evidence that it was so understood by the *supreme power in Great Britain* is, that the demand was not prosecuted, and they were still *indulged* in the enjoyment of their *charter privileges*; here the pertinent questions of the modest *Candidus* appear with singular advantage, (see Boston Gazette of last Monday) "If we are all one dominion (says he) though so remotely situated the kingdom from the colonies, why may not this irresistible, absolute, uncontrouled, and controuling authority in which the *Jura summi Imperii*, or the rights of government reside, be established in *America*, or in *Ireland*, as well as in *Britain*. Is there any thing in nature, or has Ireland or America consented that the part of this one dominion called *Britain* shall be thus distinguished." The folly and insolence of this scribler need no comment.

[ To be continued. ]

\* This to a common understanding seems expressive, that King Charles I. with his privy Council had no conception that this colony was at that period a distinct independent state, but like other Corporations subject to the controul and within the jurisdiction of the King and Council.